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| 09/315,196 | 05/19/1999 | GEORGE SWALLOW | CIS-1217 | 6199 |
| 21005 | 7590 | 06/14/2006 | | |
| HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133 | | | EXAMINER ABELSON, RONALD B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2616 | |

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/315,196

Applicant(s)

SWALLOW, GEORGE

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,9,10,12-16,18-21 and 24 is/are rejected.
- 7) ☒ Claim(s) 3,7,8,11,17,22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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Claim Objections

1. Claim 3 objected to because of the following informalities:
The claim is dependent upon itself. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 2, 4-6, 9, 10, 12-16, 18, 20, 21, and 24, are rejected under 35 U.S.C. 102(a) as being anticipated by Havansi (US 5,905,714).

Regarding claims 1, 9, 15, and 24, Havansi teaches a method for switching from a reserved first path between a source node (fig. 1 Subscriber A) and a destination node (fig. 1 Subscriber B), the reserved first path comprising one or more interconnected nodes (fig. 1 A-B), to a reserved second path comprising one or more interconnected nodes (fig. 1 a-b).

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Havansi teaches enabling the second path for data transfer between the source node and destination node (fig. 1, enabling route a-b, col. 5 lines 5-9); and disabling the first path for data transfer between the source node and the destination node after enabling the second path for data transfer (fig. 1, A-B to be disabled, col. 5 lines 21-23).

Regarding claims 9 and 15, in addition to the limitations listed above, a path switch routine (controlled rerouting, col. 4 lines 64-67).

Regarding claims 2, 10, and 16, determining the nodes and links shared by the second path and first path (fig. 1, A-B to be disabled, col. 5 lines 21-23). Note, the system knows to disable the links not shared by route a-b. Regarding reserving resources in the second path not shared with the first path (fig. 1, enabling route a-b, col. 5 lines 5-9). The examiner corresponds the applicant's reserving resources with the reference's enabling.

Regarding claims 4, 12, and 18, sending a path message for the second path to the destination node (node 1 notifies the opposite end, col. 5 lines 5-9) and sending a reserve message

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for the second path to the source node in response to the path message sent to the destination node (node 4 transmits a corresponding notice o node 1, col. 5 lines 13-15).

Regarding claims 5, 13, and 20, releasing resources in the first path not shared with the second path (fig. 1, A-B to be disabled, col. 5 lines 21-23).

Regarding claims 6, 14, and 21, sending a request release message for the first path by the source node to the destination node (col. 5 lines 21-23).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Havansi as applied to claim 18 above, and further in view of Araujo (US 6,118,785).

Havansi is silent on a session identification identifying a tunnel and a tunnel path identification identifying a tunnel path for the tunnel.

Araujo teaches a session identification identifying a tunnel (CALL ID, col. 10 lines 7-11) and a tunnel path identification identifying a tunnel path for the tunnel (Tunnel ID, col. 10 lines 7-11).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Havansi by transmitting path messages from the source node to the destination node wherein the path message includes a session identification / CALL ID and a tunnel path identification / Tunnel ID. This modification can be performed in software. This modification would benefit the system by providing a method for dynamically setting up and tunnel path between source and destination.

Allowable Subject Matter

6. Claims 3, 7, 8, 11, 17, 22, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if

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rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (571) 272-3165. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Ronald Abelson
Examiner
Art Unit 2616


CHI PHAM
SENIOR PATENT EXAMINER
6/9/06